

Western Australia

Sale of Land Act 1970

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Sale of Land Act 1970

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Western Australia

Sale of Land Act 1970

An Act to consolidate and amend the law relating to the sale of land.

Part I — Preliminary

1. Short title

This Act may be cited as the *Sale of Land Act 1970*¹.

2. Commencement

This Act shall come into operation on a date to be fixed by proclamation¹.

[3. *Repealed by No. 10 of 1998 s. 76.*]

4. Repeals

The Acts mentioned in the Schedule are repealed.

5. Interpretation

In this Act, unless the contrary intention appears —

“**advertise**” includes —

- (a) issue, deliver, or publicly exhibit in writing; and
 - (b) publish, or disseminate, by broadcasting, television, cinematograph, or any other means whatsoever,
- and with corresponding meanings also includes cause to be advertised;

“**advertisement**” includes corresponding meanings to “advertise”;

“**Court**” means the Supreme Court;

“**land**” includes land of any tenure and buildings or parts of buildings;

“**section**” means a section of this Act; and

“**terms contract**” means an executory contract for the sale and purchase of land under which the purchaser is —

- (a) obliged to make 2 or more payments to the vendor (over and above any deposit) before he is entitled to a conveyance or transfer of the land; or

- (b) entitled to possession or occupation of the land before he becomes entitled to a conveyance or transfer of the land,

and for the purpose of this interpretation “**deposit**” includes any part of the purchase price which the contract specifies as being a deposit and provides is to be paid, whether by one or more payments, within 28 days of the execution of the contract.

Part II — Sale of land under terms contract

6. Restriction on rescission

- (1) Notwithstanding any stipulation to the contrary, a terms contract shall not be determined or rescinded on account of a breach by the purchaser of any term of the contract unless and until the vendor has served on the purchaser a notice in writing specifying the breach complained of and requiring the purchaser to remedy the breach within the time mentioned in subsection (2) and the purchaser has failed to do so.
- (2) The time referred to in subsection (1) within which the purchaser is required to remedy a breach is —
 - (a) where the breach consists of a failure to pay a sum of money — a date stipulated by the vendor being a date not less than 28 days from the date of service of the notice; and
 - (b) in any other case — a reasonable time from the date of service of the notice.

7. Notification of condition of title

- (1) Where it is proposed to sell land under a terms contract, the proposed vendor of the land shall, before the proposed purchaser of the land executes the contract, give notice in writing to him of any mortgage, encumbrance, lien, or charge on the land, and of any judgment, order or memorial that is entered in the Register within the meaning of the *Transfer of Land Act 1893* or that is otherwise registered against the land.
Penalty: \$750.
- (2) In subsection (1) —
“**charge**” does not include rates or taxes charged on the land;
and

“notice in writing” includes a statement that is clearly contained in the contract.

[Section 7 amended by No. 81 of 1996 s. 153(1); No. 59 of 2004 s. 141.]

8. Limitation on encumbrances

A vendor of land under a terms contract shall not encumber the land by mortgage or otherwise unless —

- (a) within the period of 28 days before he does so, the purchaser of the land consented in writing thereto; or
- (b) the Court, on the application of the vendor pursuant to section 9, gives him leave to do so.

Penalty: \$750.

9. Power of Court on application for leave to encumber the land

A vendor of land under a terms contract may make an application to the Court by summons at chambers for leave to encumber the land by mortgage or otherwise and on the application the Court may make an order accordingly, subject to such conditions as are necessary to protect the interest of a purchaser under the contract.

10. Remedy of purchaser on contravention by vendor

Where a vendor of land under a terms contract contravenes section 7 or section 8, the purchaser of the land under the contract may, at any time prior to conveyance or the registration of a transfer of the land to the purchaser, but within one year of the purchaser becoming aware of the contravention, commence an action in the Court for the rescission of the contract, and the Court having regard to the equities of the case may exercise such discretion and make any such order as it could have exercised or made had it been alleged and established that the contract had been induced by fraudulent misrepresentation.

Part III — Restrictions on sale of subdivisional land

11. Interpretation

In this Part, unless the contrary intention appears —

“**lot**” has the same meaning as it has in section 2 of the *Town Planning and Development Act 1928* and includes an area of land in respect of which it is represented, by or on behalf of any person attempting to promote the sale of that area of land, that it will constitute a lot in a proposed subdivision;

“**proprietor**” has the same meaning as it has in section 4 of the *Transfer of Land Act 1893*; and

“**sell**” includes —

(a) for valuable consideration —

- (i) assign an interest in;
- (ii) assign the benefit of a contract relating to;
- (iii) confer a right to purchase, to acquire an interest in, or to acquire the benefit of a contract relating to;

and

(b) offer, hold oneself out or advertise as being willing, or agree to sell or, for valuable consideration, to do as mentioned in paragraph (a)(i), (ii) or (iii),

and “**selling**” and “**sold**” include corresponding meanings.

[12. *Repealed by No. 40 of 1985 s. 4.*]

13. Restriction on sale of subdivisional land

(1) A person who would, but for this Act, have the right to sell 5 or more lots in a subdivision or proposed subdivision, or 2 or more lots in the case of a subdivision or proposed subdivision effected or continued under the *Strata Titles Act 1985*, shall not sell any of such lots unless —

(a) he is the proprietor thereof;

- (b) he is selling as agent of the proprietor;
- (c) he sells the lot as one of 5 or more lots sold to one person in the one transaction or as one of 2 or more lots so sold in the case of lots in a subdivision or proposed subdivision effected or continued under the *Strata Titles Act 1985*;
- (d) he is empowered by or under an Act to execute a transfer thereof that is registrable under the *Transfer of Land Act 1893*; or
- (e) he is presently entitled to become the proprietor of the lot.

Penalty: \$750.

- (2) A person shall be deemed not to be presently entitled to become the proprietor of a lot unless he is, at the date he sells the lot, entitled to be registered as proprietor of it under one or more registrable instruments or under one or more applications made under the *Transfer of Land Act 1893* which have been lodged in the Department within the meaning of that Act.
- (3) For the purpose of this section an instrument or an application which was at the relevant time lodged at the Department within the meaning of the *Transfer of Land Act 1893* shall be deemed to be and to always have been registrable notwithstanding any defect in the instrument or application —
 - (a) if the instrument has subsequently been registered or the application granted without having been returned by the Registrar of Titles or withdrawn from the Department within the meaning of the *Transfer of Land Act 1893*; or
 - (b) if the Registrar of Titles certifies in writing that he is satisfied that the defect was not of a substantial nature and that it has been remedied.

[Section 13 amended by No. 40 of 1985 s. 5; No. 81 of 1996 s. 153(1) and (2).]

s. 14

14. Restriction on sale of mortgaged subdivisional land

(1) A person who has the right to sell 5 or more lots in a subdivision or proposed subdivision, or 2 or more lots in the case of a subdivision or proposed subdivision effected or continued under the *Strata Titles Act 1985*, shall not sell any of such lots that is subject to a mortgage unless the mortgage relates only to that lot and he sells the lot under a contract which provides that the consideration for the sale of the lot shall be satisfied, to the extent of any money owing under the mortgage at the date upon which the purchaser is entitled to possession or receipt of the rents and profits of the lot sold, by the purchaser assuming on and from that date the obligations of the mortgagor under the mortgage.

Penalty: \$750.

(2) Subsection (1) does not apply to a person who sells the lot —

(a) as one of 5 or more lots sold to one person in the one transaction or as one of 2 or more lots so sold in the case of a subdivision or proposed subdivision effected or continued under the *Strata Titles Act 1985*; or

(b) under a contract which provides that —

(i) any mortgage affecting the lot sold is to be discharged as to that lot before the purchaser becomes, or upon the purchaser becoming, entitled to possession or to receipt of the rents and profits under the contract; and

(ii) the deposit and all other moneys payable under the contract, other than any money payable in excess of the amount required to so discharge the mortgage, are to be paid to a certificated practitioner (within the meaning of the *Legal Practice Act 2003*) or to a licensee, as defined in section 2 of the *Land Agents Act 1921*², to be applied by him in or towards so discharging the mortgage,

but where the mortgage is not discharged as to that lot before the purchaser becomes, or upon the purchaser becoming, entitled to possession or to receipt of the rents and profits under the contract and the purchaser of the lot under the contract is not in default under it, he may, by notice in writing served on the vendor of the lot under the contract at any time prior to the mortgage being discharged as to that lot, rescind the contract and thereupon may, in a court of competent jurisdiction, recover from that vendor all moneys paid by that purchaser under the contract.

- (3) In subsections (1) and (2) “**mortgage**” does not include any floating charge on the whole or any part of the undertaking or property of a corporation.

[Section 14 amended by No. 40 of 1985 s. 6; No. 65 of 2003 s. 64.]

15. Exemptions

- (1) Where the Minister considers that a person had, immediately prior to the coming into operation of this Act, legal obligations or other commitments in respect of any land, by reason of which it would be unreasonable for the restrictions of sections 13 and 14, or any one of them, to apply to the sale of that land, or any part of it, by that person, the Minister may, by a notice published in the *Government Gazette* within 12 months after the coming into operation of this Act, exempt that person from those restrictions in respect of the sale of that land or any part of it, on such terms and conditions as the Minister thinks fit and are specified in the notice.
- (2) Where the Minister has granted an exemption under subsection (1), he may by a notice published in the *Government Gazette* at any time, revoke the exemption or vary it, as specified in the notice, as to the land or any part of it in respect of which, or the terms and conditions on which, it was granted.

s. 15

- (3) Where the Minister considers that a person had, immediately prior to the coming into operation of the *Acts Amendment (Strata Titles) Act 1985*¹, legal obligations or other commitments in respect of any land, by reason of which it would be unreasonable for the restrictions of sections 13 and 14, or any one of them, to apply to the sale of that land, or any part of it, by that person, the Minister may, by a notice published in the *Government Gazette* within 12 months after the coming into operation of the *Acts Amendment (Strata Titles) Act 1985*¹, exempt that person from those restrictions in respect of the sale of that land or any part of it, on such terms and conditions as the Minister thinks fit and are specified in the notice.
- (4) Where the Minister has granted an exemption under subsection (1), he may by notice published in the *Government Gazette* at any time, revoke the exemption or vary it, as specified in the notice, as to the land or any part of it in respect of which, or the terms and conditions on which, it was granted.
- [Section 15 amended by No. 40 of 1985 s. 7.]*

Part IV — Offences in relation to sale of land

16. Limitation on advertisement

A person shall not, in relation to any land for sale, advertise that the land may be put to a specified use if that use of the land would be contrary to any town planning scheme, or any by-law relating to town planning, in force under the *Town Planning and Development Act 1928* or contrary to any local law in force under the *Local Government Act 1995*.

Penalty: \$200.

[Section 16 amended by No. 14 of 1996 s. 4.]

17. Misrepresentation concerning public amenity

(1) A vendor of land or his agent shall not, on or in connection with the sale of land, make a statement as to the proposed or projected position of any public amenity unless, at the time he makes the statement, either —

- (a) all approvals required by law of the siting of the amenity in that position have been given; or
- (b) he indicates as part of that statement, if such is the case, that all or some of such approvals have not yet been given, or that he is not aware whether or not they have all been given.

Penalty: \$200.

(2) In subsection (1) —

“position” includes, in relation to railways and other means of transport, the route to be followed by that amenity;

“public amenity” includes roads, bridges, churches, shops, petrol stations, shopping centres, hotels, water supply, sewerage, light, power, gas, drainage, schools, hospitals, parks, reserves, swimming pools, railways, and other means of transport; and

s. 18

“statement” includes a marking or indication in a brochure, pamphlet, or advertisement, issued, or in any sign publicly exhibited, before the sale.

[Section 17 amended by No. 9 of 1973 s. 2.]

18. House to house selling prohibited

A person shall not go, or employ or procure another person to go, from house to house offering for sale or seeking offers for the purchase of vacant land, or for the purpose of persuading or inducing persons to go to inspect any vacant land with a view to purchase.

Penalty: \$200.

19. Remedy of purchaser on contravention of s. 18

Where a contract for the sale of land is made as a result of a contravention of section 18, the purchaser of the land under the contract may, by notice in writing served on the vendor of the land under the contract within 14 days after the date of the making of the contract, rescind the contract and thereupon may, in a court of competent jurisdiction, recover from that vendor all moneys paid under the contract.

Part IVA — Dealings in undivided shares in land

[Heading inserted by No. 70 of 1974 s. 4.]

19A. Interpretation, etc.

- (1) In this Part —
- “offeror”**, includes invitor;
 - “option to purchase”** includes a gratuitous option to purchase;
and
 - “Registrar”** means the Commissioner for Corporate Affairs appointed pursuant to section 4 of the *Companies (Administration) Act 1982*, and includes a Deputy or Assistant Commissioner for Corporate Affairs appointed pursuant to that Act, or a person acting in any such office.
- (2) For the purposes of this Part —
- (a) an undivided share in land includes any interest or right, whether legal or equitable, in an undivided share in land and includes an option to purchase such an interest or right;
 - (b) a reference to an interest in land is a reference to any interest in the land of whatever kind, legal or equitable, and whether represented by undivided shares or otherwise;
 - (c) **“offer to the public for purchase”**, or **“offer to the public options to purchase”** or **“invite the public to purchase”** includes —
 - (i) offer to any section of the public for purchase, offer to any section of the public options to purchase, or invite any section of the public to purchase, whether the section of the public is selected as clients of the person making the offer or invitation, as the case requires, or in any other manner;

s. 19A

- (ii) going from place to place, whether by appointment or otherwise, offering for purchase to the public or any member of the public, offering options to purchase to the public or any member of the public, or inviting the public or any member of the public to purchase, as the case requires; and
- (iii) by telephone, offering to any member of the public for purchase, offering options to purchase to any member of the public, or inviting any member of the public to purchase, as the case requires;

and

- (d) another person is an associate of an offeror where —
 - (i) if the offeror and that other person are both corporations, the corporations are related bodies corporate within the meaning of the *Corporations Act 2001* of the Commonwealth;
 - (ii) the offeror is a person in accordance with whose directions, instructions or wishes that other person is accustomed or is under an obligation, whether formal or informal, to act in relation to any interest in the land;
 - (iii) the offeror is a person who is accustomed or is under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of that other person in relation to any interest in the land;
 - (iv) the offeror is a body corporate in accordance with the directions, instructions or wishes of which, or of the directors of which, that other person is accustomed or is under an obligation, whether formal or informal, to act in relation to any interest in the land; or

- (v) the offeror is a body corporate that is, or the directors of which are, accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of that other person in relation to any interest in the land,

but a person shall not be regarded as a person in accordance with whose directions or by whose instructions another person is accustomed to act by reason only that that other person acts on advice given by the firstmentioned person in a professional capacity.

- (3) Without limiting the generality of section 19B(1)(c), a person shall, for the purposes of this Part, be regarded at any particular time as carrying on the business of selling undivided shares in land if within the immediately preceding period of 12 months, the total number of transactions entered into as vendor by that person and his associates or any one or more of them for the sale of undivided shares in land exceeded 3, except where the purchasers in each of those transactions are identical.

[Section 19A inserted by No. 70 of 1974 s. 4; amended by No. 10 of 1982 s. 28; No. 20 of 2003 s. 43.]

19B. Certain offers to the public prohibited

- (1) A person shall not directly or indirectly offer to the public for purchase, offer to the public options to purchase, or invite the public to purchase any undivided share in land unless —
 - (a) there is in force in relation to the undivided share a managed investment scheme that is registered under Part 5C.1 of the *Corporations Act 2001* of the Commonwealth;
 - (b) the offer or invitation relates to a specified building (whether then in existence or proposed to be erected) and any purchaser of the undivided share will have the right to the exclusive occupation or use of that building or a specified part of that building;

s. 19B

- (c) neither the offeror nor any of his associates is carrying on the business of selling or dealing in undivided shares in land; or
- (d) the Minister has, pursuant to section 19C, exempted the offer or invitation from the provisions of this Part.

Penalty: Imprisonment for 12 months or \$1 000.

- (2) Proceedings for any offence against this section may be taken by the Registrar or, with the written consent of the Minister, by any person.
- (3) Notwithstanding the provisions of any other Act, proceedings for any offence against this section may be brought within the period of 3 years after the commission of the alleged offence or, with the consent of the Minister, at any later time.
- (4) A person shall not be relieved from any liability to a purchaser of, or the holder of an option to purchase, an undivided share in land by reason of any contravention of this section.
- (5) It is a defence to a charge of an offence against this section for the accused to show —
 - (a) that at the time the offer or invitation was made it related to the total interest of the offeror and his associates, if any, in the land;
 - (b) that the offeror and his associates, if any, proposed to sell that total interest in one transaction or grant an option to purchase that total interest in one transaction, as the case requires; and
 - (c) that since the offer or invitation was first made after the coming into operation of the *Sale of Land Act Amendment Act 1974*¹, neither the offeror nor any of his associates has, in any one transaction or in any number of simultaneously executed transactions which can fairly be regarded as one transaction, sold or granted options to purchase anything less than that total interest.

[Section 19B inserted by No. 70 of 1974 s. 5; amended by No. 10 of 1982 s. 28; No. 20 of 2003 s. 44; No. 84 of 2004 s. 80 and 82.]

19C. Transitional provision

(1) Where —

- (a) prior to the coming into operation of the *Sale of Land Act Amendment Act 1974*¹ but not later than 10 September 1974, a person had offered to the public for purchase, offered to the public options to purchase, or invited the public to purchase any undivided share or shares in land; and
- (b) the Minister is satisfied that —
 - (i) immediately prior to the coming into operation of the *Sale of Land Act Amendment Act 1974*¹, that person had legal obligations or other commitments in respect of the land the subject of the offer or invitation by reason of which it would be unreasonable for the restrictions of this Part to apply to the making of further offers or invitations in relation to the land; or
 - (ii) it would be contrary to the interests of persons who entered into contracts for the purchase of, or obtained options to purchase, undivided shares in the land prior to the coming into operation of the *Sale of Land Act Amendment Act 1974*¹ that the provisions of this Part should apply so as to restrict the making of further offers or invitations by the offeror in relation to the land,

the Minister may, by notice published in the *Government Gazette* within 12 months after the coming into operation of the *Sale of Land Act Amendment Act 1974*¹, exempt the offeror from the restrictions of this Part and in that event section 19D does not apply to any contract entered into, or any option granted, while that exemption remains in force.

s. 19D

- (2) Where a person who was the owner of an undivided share in land on 10 September 1974, satisfies the Minister that it would be unreasonable for the provisions of this Part to apply so as to restrict him from making offers or invitations relating to the whole or any part of that undivided share, the Minister may exempt that person from the restrictions of this Part in relation to the whole or any part of that undivided share, and in that event section 19D does not apply to any contract entered into or any option granted by that person in relation to that undivided share or any part thereof while that exemption remains in force.
- (3) Any exemption granted by the Minister pursuant to subsection (1) or subsection (2) —
 - (a) shall be granted subject to such conditions, if any, as the Minister determines and specifies in the instrument of exemption; and
 - (b) may be revoked by the Minister at any time and shall, in any event, determine forthwith upon any breach of those conditions.

[Section 19C inserted by No. 70 of 1974 s. 6.]

19D. Rescission

Where a contract for the sale of an undivided share in land is made but prior to the making of the contract an offer or invitation relating to the land was made in contravention of section 19B the purchaser under the contract —

- (a) by notice in writing served on the vendor under the contract within 3 years after the making of the contract, may rescind the contract; and
- (b) thereupon, may recover in a court of competent jurisdiction all moneys paid under the contract,

unless the vendor shows to the satisfaction of the court that —

- (c) the offer or invitation did not contribute to the making of the contract; or

- (d) the defence referred to in section 19B(5) would be available to him in any proceedings under that section concerning the offer or invitation.

[Section 19D inserted by No. 70 of 1974 s. 7.]

Part V — Application to the Court by vendor or purchaser

20. Application to Court

A vendor or purchaser of any interest in land or their personal representatives may make an application to the Court by summons at chambers in respect of any requisitions, or objections, or any claim for compensation, or any other question arising out of or connected with the contract (not being a question affecting the existence or validity of the contract) and the Court may make such order upon the application as to the Court may appear just, and may order how and by whom all or any of the costs of and incidental to the application are to be borne and paid.

Part VI — Rules relating to title of general law land

21. Application of this Part

This Part does not apply to land or any estate or interest in land which is registered under the *Transfer of Land Act 1893*.

22. Thirty years title substituted for 40 years

In the completion of a contract of sale of land made after the coming into operation of this Act 30 years is, subject to any stipulation to the contrary in the contract, substituted as the period of commencement of title which a purchaser may require in the place of 40 years, but earlier title than 30 years may be required in cases similar to those in which earlier title than 40 years might have been required immediately prior to the coming into operation of this Act.

23. Rights of vendor and purchaser as to title

In the completion of a contract made after the coming into operation of this Act the obligations and rights of vendor and purchaser are, subject to any stipulation to the contrary in the contract, to be regulated by the following rules —

- (a) under a contract to grant or assign a term of years, whether derived or to be derived out of a freehold or leasehold estate, the intended lessee or assignee is not entitled to call for the title to the freehold;
- (b) recitals, statements and descriptions of facts, matters, and parties contained in deeds, instruments, Acts of Parliament, or statutory declarations 20 years old at the date of the contract, unless and except so far as they are proved to be inaccurate, are to be taken to be sufficient evidence of the truth of such facts, matters and descriptions;
- (c) the inability of the vendor to furnish the purchaser with a legal covenant to produce and furnish copies of documents of title is not an objection to title where the

s. 23

purchaser will, on the completion of the contract, have an equitable right to the production of such documents;

- (d) such covenants for production as the purchaser can and does require are to be furnished at his expense, but the vendor is to bear the expense of perusal and execution on behalf of, or by himself, and on behalf of or by necessary parties other than the purchaser; and
- (e) where the vendor retains any part of an estate, to which any documents of title relate, he may retain such documents.

Schedule

[s. 4]

Number of Act.	Title of Act.
42 Victoriae No. 10.	<i>The Vendor and Purchaser Act 1878.</i>
43 Victoriae No. 3.	<i>An Act to amend The Vendor and Purchaser Act 1878.</i>
44 of 1933	<i>Purchasers' Protection Act 1933.</i>
43 of 1934	<i>Purchasers' Protection Act Amendment Act 1934.</i>
41 of 1936	<i>Purchasers' Protection Act Amendment Act 1936.</i>
37 of 1946	<i>Purchasers' Protection Act Amendment Act 1946.</i>
57 of 1948	<i>Purchasers' Protection Act Amendment Act 1948.</i>
46 of 1940	<i>Sale of Land (Vendors' Obligations) Act 1940.</i>

Notes

¹ This is a compilation of the *Sale of Land Act 1970* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Sale of Land Act 1970</i>	119 of 1970	10 Dec 1970	1 Feb 1971 (see s. 2 and <i>Gazette</i> 22 Jan 1971 p. 149)
<i>Sale of Land Act Amendment Act 1973</i>	9 of 1973	25 May 1973	25 May 1973
<i>Sale of Land Act Amendment Act 1974</i>	70 of 1974	9 Dec 1974	28 Feb 1975 (see s. 2 and <i>Gazette</i> 28 Feb 1975 p. 719)
Reprint of the Sale of Land Act 1970 approved 8 May 1978 (includes amendments listed above)			
<i>Companies (Consequential Amendments) Act 1982</i> s. 28	10 of 1982	14 May 1982	1 Jul 1982 (see s. 2(1) and <i>Gazette</i> 25 Jun 1982 p. 2079)
<i>Acts Amendment (Strata Titles) Act 1985 Pt. II</i>	40 of 1985	13 May 1985	30 Jun 1985 (see s. 2 and <i>Gazette</i> 21 Jun 1985 p. 2188)
<i>Local Government (Consequential Amendments) Act 1996</i> s. 4	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
<i>Transfer of Land Amendment Act 1996</i> s. 153(1) and (2)	81 of 1996	14 Nov 1996	14 Nov 1996 (see s. 2(1))
<i>Statutes (Repeals and Minor Amendments) Act (No. 2) 1998</i> s. 76	10 of 1998	30 Apr 1998	30 Apr 1998 (see s. 2(1))
Reprint of the Sale of Land Act 1970 as at 25 Jan 2002 (includes amendments listed above)			
<i>Corporations (Consequential Amendments) Act (No. 2) 2003</i> Pt. 22	20 of 2003	23 Apr 2003	15 Jul 2001 (see s. 2(1) and <i>Cwlth Gazette</i> 13 Jul 2001 No. S285)

Short title	Number and year	Assent	Commencement
<i>Acts Amendment and Repeal (Courts and Legal Practice) Act 2003 s. 64</i>	65 of 2003	4 Dec 2003	1 Jan 2004 (see s. 2 and <i>Gazette</i> 30 Dec 2003 p. 5722)
<i>Courts Legislation Amendment and Repeal Act 2004 s. 141</i>	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004 s. 80 and 82</i>	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and Year	Assent	Commencement
<i>Planning and Development (Consequential and Transitional Provisions) Act 2005 s. 15⁴</i>	38 of 2005	12 Dec 2005	To be proclaimed (see s. 2)

² Repealed by the *Real Estate and Business Agents Act 1978*.

³ The *Companies (Western Australia) Code* was superseded by the Corporations Law which, on 15 July 2001, was superseded by the *Corporations Act 2001* of the Commonwealth. See Part 13 Division 2 of the *Companies (Western Australia) Act 1991* and Part 2 of the *Corporations (Ancillary Provisions) Act 2001* respectively.

⁴ On the date as at which this compilation was prepared, the *Planning and Development (Consequential and Transitional Provisions) Act 2005* s. 15, which gives effect to Sch. 2, had not come into operation. It reads as follows:

“

15. Acts in Schedule 2 amended

The Acts mentioned in Schedule 2 are amended as set out in that Schedule.

”

Schedule 2, cl. 56 reads as follows:

“

Schedule 2 — Consequential amendments

[s. 15]

56. Sale of Land Act 1970

- (1) Section 11 is amended in the definition of “lot” by deleting “section 2 of the *Town Planning and Development Act 1928*” and inserting instead —

“ the *Planning and Development Act 2005* ”.

- (2) Section 16 is amended by deleting “town planning scheme, or any by-law relating to town planning, in force under the *Town Planning and Development Act 1928*” and inserting instead —

“

local planning scheme, or any local law relating to planning, in force under the *Planning and Development Act 2005*

”.

”.